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3 Date: March 29, 2010

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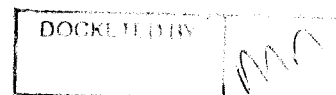
8 **Phoenix, AZ 85007**

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10 From: Robert T. Hardcastle  
11 Payson Water Co., Inc.  
12 (661) 633-7526  
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14 FOR FILING ORIGINAL AND 13 COPIES INTO:



15  
16 **DOCKET NO. W-03514A-12-0008**

17  
18 Gehring et al vs. Payson Water Co.

19  
20  
21  
22  
23 By:

24 Robert T. Hardcastle

BEFORE THE ARIZONA CORPORATION COMMISSION

Robert T. Hardcastle  
Payson Water Co., Inc.  
P.O. Box 82218

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*Representing Itself In Propria Persona* ARIZONA CORPORATION COMMISSION  
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COMMISSIONERS

Gary Pierce, Chairman  
Paul Newman, Commissioner  
Brenda Burns, Commissioner  
Bob Stump, Commissioner  
Sandra D. Kennedy, Commissioner

IN THE MATTER OF J. STEPHEN )	<b>Docket No. W-03514A-12-0008</b>
GEHRING, BOBBY JONES, AND LOIS )	
JONES, COMPLAINANTS )	<b>REPLY TO COMPLAINANT'S</b>
)	<b>RESPONSE TO PAYSON WATER</b>
VS. )	<b>CO.'S MOTION TO STRIKE</b>
)	<b>NON-EVIDENTIARY PARTY</b>
PAYSON WATER CO., INC., )	<b>AND MOTION TO DENY</b>
<u>RESPONDENT</u> )	

Complainants Gehring and Jones (hereafter "Complainants") have filed a Formal Complaint into Docket No. W-03514A-12-0008 based on previously submitted informal complaints number 2011-98439 and 2011-98782. On March 29, 2012 Payson Water Co., Inc. "PYWCo") received Complainant's "Response and Objection to Respondents Motion to Strike Complainant's Referral to Evidentiary Party and Motion to Deny" (hereafter the "Response").

Complainant's further references to PYWCo's improperly captioned Motion are without merit. The Arizona Rules of Civil Procedure apply only when the Commission's rules are undeclared or silent (A.A.C. R14-3-101(A)). Complainant's misplaced citation of the Arizona Rules of Civil Procedure 17 and 19 (a) are without bearing and are meaningless since the Commission exerts jurisdiction only over regulated entities and public service corporations. In the instant Complaint the Commission has issued a

1 Procedural Order dated March 19, 2012 which governs the rules of conduct and  
2 procedural compliance in this matter.

3 Complainant's admit that Payson Water Co., Inc. ("PYWCo") has no contractual  
4 relationship with Martin's Trucking Service ("Martin's") (see also Response, page 2,  
5 second paragraph). Complainant refers to Martin's as "not a Company" without further  
6 explanation or offering clarification as to what business type, entity, or organization  
7 Martin's is. PYWCo has not a single fact that explains the disposition of Martin's, its  
8 ownership, functions, nature of business, or any other detail with specificity.

9 The Response is unsupported as it relates to Martin's as described in Complaint  
10 section B (23) and (25). Section B (26) of the Complaint draws conclusions in part based  
11 on the "interview" alleged to have occurred with Martin's on or about July 31, 2012. As  
12 part of its evidentiary foundation Complainant's have failed on two separate previous  
13 occasions to produce documents of the interview notes (see Response, page 2, paragraph  
14 3, last sentence). As the party with the burden to prove its case Complainant's offer no  
15 information other than allegations and accusations to meet its burden. It is not the  
16 responsibility of PYWCo to disprove what has not been evidentially offered but rather  
17 Complainant's burden to sustain its allegations and accusations with evidence in support  
18 thereof.

19 PYWCo has no contract nor direct business relationship with Martin's. In order for  
20 PYWCo to fairly respond to Complainants allegations and accusations there must be  
21 tangible evidence to respond to. No such evidence has been presented by Complainants.

22 PYWCo respectfully requests the Commission and the Administrative Law Judge  
23 approve its Motion to Strike references to Martin's as part of the Complaint and asks that  
24 it be stricken from the record as well as prohibiting Complainant's from using any  
25 information at Hearing until Complainant establishes a relevant business relationship  
26 between PYWCo and Martin's.

27  
28  
29 RESPECTFULLY SUBMITTED this 26 day of March 2012.

Payson Water Co., Inc.

By: 

Robert T. Hardcastle

*In Propria Persona*

ORIGINAL and 13 copies filed  
this 21<sup>st</sup> day of March 2012, with:

**Docket Control**  
**Arizona Corporation Commission**  
**1200 West Washington St.**  
**Phoenix, AZ 85007**

And copies mailed to the following:

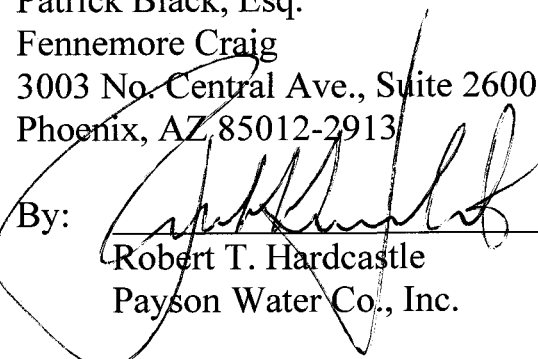
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